IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Crl.MC.No. 530 of 2007()

CC.910/2004 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA
CRIME NO.720/2000 OF VADAKKARA POLICE

.....

PETITIONER: ACCUSED

K.VALSAN,
S/O.GOVINDAN,
THALODE, KOTTAYAM AMSOM,
KUTHUPARAMBA, THALASSERY TALUK.

BY ADV. SRI.P.V.SURENDRANATH
SRI.P.V.DIBU

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.530 of 2007

Dated this the 27th day of February 2007

O R D E R

The petitioner faces indictment in a prosecution under Sections 279 and 304 A I.P.C and Section 3(i) read with 181 of the Motor Vehicles Act. The petitioner has come to this court with this petition under Section 482 Cr.P.C. He claims to be aggrieved by the order dated 18/12/2004. That order, in turn, shows that a delay of about nine months for filing the chargesheet, was condoned by the learned Magistrate, after giving notice to the petitioner, who did not choose to enter appearance and raise objections.

2. The learned counsel for the petitioner submits that the matter stands listed for trial to 28/02/2007. No explanation whatsoever is offered as to why the order dated 18/12/2004 was not challenged till this date and the petitioner has come to this court at the eleventh hour with this petition. Admittedly, the matter stands listed for trial and the witnesses will be appearing before the learned Magistrate on 28/02/2007. I am, in these circumstances, satisfied that it is not necessary to invoke the

powers under Section 482 Cr.P.C and interrupt the progress of the trial scheduled to commence on 28/02/2007.

3. In the result, this Criminal Miscellaneous Case is dismissed but I may hasten to observe that the petitioner shall be at liberty to raise all his contentions before the learned Magistrate including the contention that the condonation of delay was not justified and the condonation of delay was without notice to the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006